

APPROVED MINUTES  
PUBLIC ARTS COMMITTEE  
CITY OF MILPITAS

**Minutes:** Meeting of the Public Art Committee (PAC)  
**Date of Meeting:** Tuesday, September 26, 2006  
**Place of Meeting:** Milpitas Community Center, 457 E. Calaveras Blvd., Conference Room 7/8  
Milpitas City Hall, Committee Room, 455 E. Calaveras Blvd.

**I. Call to Order** Vice Chair Rabe called the Meeting to Order at 7:00p.m.

**II. Phantom Art Gallery Opening**

The Committee hosted a reception for the Phantom Art Gallery Exhibit by various artists of the Golden Hills Art Association.

**III. Pledge of Allegiance** Vice Chair Rabe led the Committee in the Pledge of Allegiance

**IV. Roll Call**

Committee Members Present: Butler, Cherry, Ettinger, Hays, Lawson, McGuire, Ogle, Rabe

Commissioners Absent: Foulk, Moss, Voellger and Alternate I Tsuei, Alternate II Asif

City Staff Present: Recreation Services Supervisor, Kathleen Yurchak, Public Services Assistant, Tirzah Cedillo, Principal Engineer, Mark Rogge

City Council Liaison Present: Council Member Giordano

**V. Seating of Alternates** No Alternates were seated.

**VI. Approval of Agenda** **MOTION** to move item #1 under New Business; Receive Presentation from Group 4 Architecture to before VII. Approval of Minutes.

M/S: Rabe/Ettinger Ayes: All

**MOTION** to approve the Agenda of September 26, 2006.

M/S: Hayes/Ettinger Ayes: All, except Cherry  
abstained

**X. New Business**

**1. Receive Presentation from Group 4 Architecture –Staff**

Mr. David Schnee, Architect of Group 4 Architecture with Mr. Mark Rogge, City of Milpitas Principal Engineer presented a slide show presentation to the Committee of the Public Art opportunities for the new Milpitas Library. The presentation will focus on the inside of the Milpitas Library (screens/panels). Committee Member McGuire asked where is the tower and what is the purpose. Mr. Schnee responded the tower is circled #1 on the slide show. The tower has glass walls that face the street. Council Member Giordano asked does the photo cells have a life expectancy? Mr. Rogge responded yes, about seventy years. Committee Member McGuire asked do we reach the tower from the outside. Mr. Schnee responded no, you enter from the outside. Committee Member McGuire asked would there be stairs or a ramp to the tower. Mr. Schnee responded there are three steps. Mr. Rogge added the tower space creates a lot of opportunities for art space. Mr. Schnee, stated the tower is functional that will include photocells. Recreation Services Supervisor Yurchak asked are

these digital images or screen-prints. Mr. Schnee responded these are screen-prints. Committee Member Ogle asked about the heating in the building during the winter because of all the windows wouldn't it be costly. Mr. Schnee responded the City Hall building is heated with air from overhead, and in the Milpitas Library is cooled from below and is pressurized and cools the occupied zone. Mr. Rogge stated there's no problem for the heating and cooling in regards to affecting the art. Committee Member Hays stated the tall space would add grandeur to the project. Committee Member Ettinger asked are the screens transparent in the south wing interior view. Mr. Rogge responded it could be anything that the artist chooses.

Mr. Schnee read the next slide Library Public Art Process Proposal concept: syntheses of architecture, sustainability and art:

1. Library tower as a visual performance space walls, windows, scrims, shades, multi-media capabilities, lighting, digital control, and newer interface.
2. G4 will develop up to four performance pieces
3. City may commission additional performances by other artists in the future.

Committee Member Hays asked would this be similar with the City of San Jose City Hall dome and the light show. Mr. Rogge responded the artist who created the abstract, creative images was from macrobiotics through the microscope. The dome in the San Jose City Hall was where the abstract art was presented and projected onto the silver panels of the dome. Mr. Rogge stated the artist could project words, pictures with different projected images and colors. This could be seen from the street and inside you could see the light on the floor of the Library building. Mr. Schnee added that this would not be a huge billboard. Committee Member Hays asked would we have the capability to show famous paintings and colors. Mr. Schnee responded that it's not a digital gallery. Mr. Rogge added an artist could choose. Both Mr. Schnee & Mr. Rogge stated you could show light, color show and a rotation of master works of art. Committee Member Hays asked would you do any mobiles. Mr. Schnee responded the scrims would hang, but no mobiles are planned at this time.

Mr. Schnee read the next slide a Performance Consists of Three Acts:

- Act 1 Day where the sun comes up
- Act 2 Sunset & twilight transition from day to night
- Act 3 Night, no light at all (No single performance is at night.)

Mr. Rogge stated good artwork in the tower would provide a different reaction depending on the time of the day.

Mr. Schnee read the next slide Visual Performances – Commission to consist initial four:

- Opus 1 Spring Equinox: transitions, literature, and exploring library service
- Opus 2 Summer Solstice: illumination, faces of community
- Opus 3 Fall Equinox: transitions, literature, exploring library service
- Opus 4 Winter Solstice: reflection, Milpitas History

Mr. Schnee read the next slide Abstract digitally controlled light pieces:

- G4 – Public Art proposal
- Art direction – synthesis of Art and Architecture
- 1. Collaboration PAC, City Council, Community, media specialists, other artist collaborators

- 2. Integration      Function, technical leverage Public Art budget with Architectural
- 3. Management    On budget – leverage art budget  
On schedule – deliver with Library

Mr. Rogge stated the tower is a functional part of the Library. The tower was not created for just artwork. Mr. Rogge stated if the Committee chooses to add projectors and other things this would be an excellent time to sort through if you choose to do this now.

Committee Member Hays asked what are the timeline and the budget. Recreation Services Supervisor Yurchak responded the timeline is right away and the budget would be up to the Subcommittee.

Mr. Rogge stated the timing of the artwork would be integrated with the Library opening. Mr. Rogge suggested the process would be:

- a. Competition for local artist to do something very prominent to view their vision in the community.
- b. Could be a catalyst to bring in more revenues and more artists.
- c. No funding or go ahead to put art in the Library yet to G4.

Committee Member Hays asked if we would get that tower space, otherwise the space would be bleak. Mr. Schnee responded the tower would be a great space to bring opportunities for art and it's a functional area. Committee Member Rabe stated we'd form Tower Committees and an Exterior Committee to work on the outside sculpture piece. Mr. Rogge added the 'frosting on the cake' would be the art in the Library. Mr. Rogge stated should the Committee have any questions to contact either himself or Mr. Schnee, Architect.

Note. Receipt. File.

**VIII. Public Forum**      None.

## **IX. Announcements/Correspondence**

Recreation Services Supervisor Yurchak announced she passed around a couple of pieces of Public Art information mailings for your review from:

- a. The Port of San Diego of what they're doing and how they're promoting their Arts Program.
- b. Tri City Voice newspaper had an article about the City of Milpitas Public Art, and also featured Hayward's 'mural program.'

Committee Member Rabe asked would these be available in our Art Library.

Recreation Services Supervisor Yurchak responded yes.

Committee Member Cherry announced the question on the potential conflict of interest between the Milpitas Alliance and PAC was brought to the attention of the City Attorney. Mr. Steve Mattas, City Attorney reviewed the Bylaws of the Milpitas Alliance For the Arts and the Rules and Regulations from the City of Milpitas around Committees and Commissions. Mr. Mattas wrote; there are no legal conflicts of interest for any of the Alliance Board Members to sit on the Public Art Committee and actively participate in all discussions and all voting.

Committee Member Rabe announced the Arts Day event on October 1, 2006, and would welcome any volunteers.

Recreation Services Supervisor Yurchak announced the PAC Manual was approved by City Council and it's included in your agenda packet for your

reference, and you'll be using this soon on your first project. Committee Member Rabe encouraged the Committee to attend City Council meetings.

## **X. Old Business**

### **1. Master Plan Subcommittee Update - Subcommittee**

Recreation Services Supervisor Yurchak presented to the Committee the written Master Plan that was reviewed by the Master Plan Subcommittee. The purpose of the Master Plan Subcommittee was to assist in creating this document and getting it to City Council. If the Committee recommends the Plan to City Council that would have been their last meeting. As you read through the Plan, Ms. Yurchak will go over each piece so you'll have a better understanding.

- The Executive summary is primarily straight out of the ordinance.
- The Master Plan Summary is just an overview of what was approved before by PAC on the locations of the artwork.

Ms. Yurchak stated the 'Public Art Fund' is an additional piece that was not included in the original Master Plan that the Subcommittee reviewed because after that meeting – myself, Finance Director, City Attorney and Engineering Director reviewed the use of the 'Redevelopment Agency Funds', which is the 1.5% from the approved Capital Improvement Projects. She read the section as written and stated any questions she could answer in detail after. Ms. Yurchak then read the last paragraph of the Public Art Fund section; ongoing maintenance of past and/or future public art projects cannot be funded with redevelopment agency dollars. What this affects currently on your plan is Pinewood Park because it is not within the Redevelopment Area. Ms. Yurchak passed around the 'RDA-Approximation Map' and then the number on the map matches to the park and as you can see #17-Pinewood Park doesn't fall in the RDA area. Therefore the RDA money that goes to the Public Art Fund cannot be used to fund an art project at Pinewood Park. Ms. Yurchak asked if the Committee wanted to find other funding means for Pinewood Park. Committee Member Cherry stated we're talking about the 1.5% for the arts and there was a lot of discussion about since the money is coming out of RDA budget does it have to go for that project or does it have to be done in that area. The Committee was told, no. It could go towards anything because at the time the detail was the 1.5% of the money was going to come out of the Redevelopment budget and go into a Public Art Fund that would be a City Fund called Public Art, and not designated. The Committee needs to go back and look at this because we specifically had this conversation and the decision was made. Committee Member Cherry included she doesn't know who decided that no it could only be used in these areas, but that wasn't the intention. The intention was that the money comes out of RDA and goes into the Public Art Fund, which could be spent for anything in the City that we designate for Public Art. Council Member Giordano agreed with Committee Member Cherry. Committee Member Cherry stated my first 'push back' would be this is incorrect and maybe we should leave it at that and see what we need to do to have this reevaluated. If the law comes down and we have to follow, then the ordinance needs to be revised because there's nothing in the ordinance about having to be in a redeveloped area. Council Member Giordano added my thought was when we established the Public Art Fund that was to absorb anything that preceded that which might have been art in park or anything that didn't fit in. She assumes that this should be covered. Ms. Yurchak responded the 'Public Art Fund' paragraph was written and reviewed by the City Attorney and the Finance Director. Committee Member Cherry asked was it approved by City Council. Ms. Yurchak stated no because the wording in the ordinance is accurate, it's that the money from RDA can be used for the Public Art Fund, but the law for

redevelopment requirements is that money has to be in the redevelopment area which is the 'gray' areas on the RDA-Approximation Map. Committee Member Hays asked they're saying any money we get in those areas have to stay in those areas. Committee Member Cherry responded the 'gray' areas are the only areas within the City that we could spend public art fund money. Committee Member Hays asked where did this come from. Ms. Yurchak responded its coming from her learning more of the process and the use of the funding. Council Member Giordano stated let's address this in the Finance Subcommittee meeting. Ms. Yurchak asked does the Finance Subcommittee meet in November. Council Member Giordano answered yes. Committee Member Cherry stated if the law comes down and this is it let's not forget that we have \$125,000.00 a year for the first four years that came out of the general fund. Ms. Yurchak responded it doesn't come out of the general fund it comes out of RDA. Committee Member McGuire stated it's redevelopment money and it should go to the projects that are being developed, something specific from the RDA fund the money should go to the Library, Senior Center, DeVries house because the parks are the least important. Council Member Giordano stated that wasn't the intention of the Public Art Fund. It was to fill the City with art and there was to be no differential. Committee Member Rabe stated when this goes to the Finance Subcommittee to get clarification on the maintenance. So that money can't be used to maintain the art. Ms. Yurchak answered correct. Committee Member Rabe stated we're looking forward to establishing a fund for maintenance out of that. Committee Member Cherry stated originally we said absolutely there had to be funds coming out of the Public Art Fund. If the City was going to adopt a Public Art guideline it was imperative that some of this money be set aside for maintenance. Committee Member Hays stated the plan was to put a smaller tax or something in the new projects that were not city, that were development and that money would pay for maintenance. Ms. Yurchak responded you have to remember that the Public Art Fund is basically the account for the money. Where the money comes from is a different thing. So the money that will be in the Public Art Fund can be used for maintenance, but it can't be redevelopment money used for maintenance. Committee Member Rabe stated when the Ms. Yurchak stated that the Committee could table the Master Plan and push it back and wait until we go to the Finance Subcommittee, which would then put your Library project timeline pushed back as well. Committee Member Rabe asked doe the Finance Subcommittee meet in November. Ms. Yurchak answered yes either the first or second of November. Committee Member Rabe stated we couldn't do anything about responsibilities until after this meeting. Ms. Yurchak answered correct. Council Member Giordano stated we might not get resolution at the Finance Subcommittee. We may have to take it to City Council depending on the recommendation. Committee Member Rabe stated we're not looking at a resolution until maybe the first of the year. Committee Member Cherry stated even if we pull Pinewood Park out, we still have the whole issue of maintenance and directional signage throughout the city. There's a big chunk of the city not included. Ms. Yurchak answered your absolutely correct. Committee Member Hays stated could we be poised and ready to go with the Library stuff. Ms. Yurchak answered no, City Council needs to approve your work direction and that's a part of the Master Plan. Committee Member Rabe asked can't we start the Subcommittees to work on these projects. Ms. Yurchak answered no. Committee Member Rabe stated so this has put the Committee behind schedule. Council Member Giordano responded maybe your losing four to five months, but we haven't broke ground at the Library yet. She feels the Committee is safe, but the Committee can't move forward until this is resolved. Committee Member Hays added the first thing you do in construction would be the foundation in regards to statues, etc. Ms. Yurchak responded they've made

accommodations for electricity for an outside piece of art. She continued to say to 'table' this item until Finance Subcommittee meets.

Note. Receipt. File

## **2. Implementation Timeline - Staff**

Note. Receipt. File.

# **XI. New Business**

## **3. Consideration of the Public Art Committee's Meeting Schedule - Staff**

Committee Member Rabe stated it was put on the agenda by staff after having to deal with our other job and because of trying to plan the meeting every other month for the other half of this group is not working because the Arts Commission meetings are too far apart. We would like to go back to having a monthly (we talked to staff) most of the people who were working on this we need to go back to having a monthly Arts Commission meeting. Council Member Giordano asked would PAC be monthly too. Committee Member Rabe answered no. Ms. Yurchak added the Arts Commission had a special meeting at 6:00pm and one of the items was to discuss their meeting schedule. The Arts Commission are proposing to City Council for approval to meet once a month, the months where PAC meets they would meet at 6:00pm prior to the PAC meeting, and have a one hour meeting. The Arts Commission has had the current schedule for a year now and we wanted to bring the same question to PAC. To see how comfortable all the members are with the schedule and to see if the every other month works out for the Committee.

Committee Member Rabe asked the Committee do they feel comfortable with meeting every other month. Committee Member Lawson stated we might need more meetings like for the Library project. Ms. Yurchak recommends doing a special meeting when necessary for large projects like the Library project. Committee Member Rabe stated to keep the normal PAC meeting schedule.

Note. Receipt. File.

## **2. Establishment of Subcommittees - Staff**

Council Member Giordano asked the Committee who makes it important for fundraising. Ms. Yurchak responded that it's in the Ordinance. Council Member Giordano stated if the Committee tells the City Council you have a Fundraising Committee and you meet quarterly, you've bought this Committee one year. Committee Member Cherry asked if the Library Commission doing fundraising. Council Member Giordano responded they are doing some kind of nameplates. Committee Member Rabe asked the Committee who would want to be on the Fundraising Subcommittee. Committee Members Rabe, Lawson and Cherry have agreed to be on the Fundraising Subcommittee. Committee Member Rabe stated the Fundraising Subcommittee would have a work plan ready for the January 2007 PAC meeting.

Ms, Yurchak announced to the Committee that the Finance Subcommittee meeting is open to the public. The meeting is held the first Wednesday of each month at 4:00pm.

Note. Receipt. File.

## **XII. Staff/Commission Reports and Discussion Items**

### **City Council**

City Council Liaison, Giordano announced the following:

At the September 5, 2006, Council meeting:

- Unaudited financial report of City for FY ending 6/30/06.
- East Parking Garage report, on time, on budget.
- Approve the Public Art Committee Manual.
- Input from City regarding VTA's engineering proposals regarding BART.
- Increase maximum of \$8,000.00 for Planning and Zoning Applications, and increase fees.

At the September 19, 2006, Council meeting:

- Adopted the CDBG Grant consolidated annual performance evaluation report.
- Approved the project stabilization agreement for the New Library.
- Council endorsed Proposition 1C regarding affordable housing.
- Heard neighbors adjoining the KB Home project on Abel Street regarding issues.
- Approved funding for the Milpitas Community Band 06-07, and Art's Day.

## **XIII. Future Agenda Items**

None

## **XII. Adjournment**

**MOTION** to adjourn the meeting at 9:12 p.m., to the next regularly scheduled meeting on November 27, 2006.

Respectfully Submitted,

Tirzah Cedillo  
Public Services Assistant